

**STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
BOARD MEETING**

DRAFT MINUTES

August 23-26, 2004

**(KEY: MSC = MOTION MADE, SECOND, CARRIED)
(MSF = MOTION MADE, SECOND, FAILED)**

THE REGULAR MEETING OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD WAS CALLED TO ORDER AT 8:36 AM, MONDAY, AUGUST 23, 2004, IN THE BOARD ROOM, 1365 NORTH ORCHARD, ROOM 172, BOISE, IDAHO. CHAIRMAN WAYNE HUNSUCKER, VICE CHAIRMAN SCOTT FARR AND MEMBERS BILL BERNT, AND RAY LYON WERE IN ATTENDANCE. BOARD MEMBER WILL JUDGE WAS UNABLE TO ATTEND THE MEETING DUE SCHEDULE CONFLICTS AND HE WAS EXCUSED. ALSO PRESENT WERE EXECUTIVE DIRECTOR JAKE HOWARD, BOARD COUNCIL STEVE SCANLIN AND SECRETARY KIM WALLETT.

Review of Agenda and June Board Minutes: Director Howard reviewed the agenda with the Board and stated that the only change was that the matter on Wednesday at 2:30 pm involving Ron Gillett would not be held. Director Howard stated that Mr. Gillette had stipulated to changes and had paid fine for him and both guides. They had been charged with providing guide trips without proper first aid equipment available during the trip. Director Howard also presented some additional information for the McCall matter that will be reviewed on Thursday and an updated version of the Unit 45 prospectus for discussion scheduled later in the meeting.

On a separate matter, Director Howard stated that he has prepared a summary of non-use state wide but was unable to present it during the meeting due to a change in the agenda on Wednesday needed to address an emergency situation in outfitter controlled hunts #1092 and 1093. He said that he would provide this information to the Board and would ask for input in September or October. He also said that he had identified a number of licenses that included activities or area that were not federally permitted. Mr. Hunsucker asked the Director to work with Board Council Scanlin to prepare standard letters that could be provided to the outfitter so these matters could be addressed by the time the re-licensing cycle begins.

MSC (MOTION BY FARR, SECOND BY BERNT – UNANIMOUS) TO ACCEPT JUNE BOARD MEETING MINUTES WITH NO CHANGES MADE.

STAFF REPORTS – Technical Records Specialist I – Leanne Reincke: Ms. Reincke presented reports detailing the current status of new applications, amendment requests, and buy/sell areas, that were completed since the June 2004 Board meeting. She also presented information with regard to outfitter tag allocation status. Ms. Reincke presented pending new applications, amendments, and buy/sell matters. Director Howard expressed concern about possible use issues with a couple of the pending matters and stated that these items will be reviewed further and presented to the Board at a later date if necessary. Director Howard and Ms. Reincke stated that they felt that Killgore Adventures and Jimmie Dwayne Blair, outfitters who

have applied for SA7B prospectus, should be licensed. Two, additional applications for this area from E & Z, Inc. and Beamer's Landing #1 were problematic and will be reviewed further and brought before the Board at the December meeting. These two applications are competing for the one remaining opening on SA7B. The Board directed staff to move forward as discussed. Ms. Reincke stated that allocation was just completed for this year on August 20 and the recap of vouchers to tags would be early in September. Board Member Farr asked about the status of becoming an IDFG vendor. It was discussed that this didn't seem to be a viable plan but will be discussed further. In the process of rewriting the recalculation process there may be other proposals that could be reviewed. Ms. Reincke did express that the initial expiration date has been moved to the third Wednesday in May and this may not be necessary with other proposals to be discussed.

Board member Farr presented a proposal for voucher distribution and recalculation. Mr. Farr's proposal instructs the outfitters to contact IOGLB upon booking a hunt. IOGLB will then send the voucher(s) with the hunter(s) name already applied. This process may also be applied to the Controlled Hunt Certification form process and this will be further discussed later in the meeting. He asked that the Board and staff review this proposal so that it could be discussed later in the meeting.

MSC (MOTION BY BERNT, SECOND BY LYON – UNANIMOUS) TO ACCEPT APPLICATIONS FOR KILLGORE ADVENTURES & JIMMIE DWAYNE BLAIR FOR LICENSING ON SA7B BASED ON THE PROSPECTUS PREVIOUSLY PRESENTED. THE APPLICATIONS FOR BEAMER'S LANDING, INC. #1 AND E&Z, INC. WILL BE DEFERRED TO THE DECEMBER BOARD MEETING FOR FURTHER REVIEW AND DISCUSSION.

STEVE TOBIASON – SHOW CAUSE HEARING – BRIAN SIMI, dba: SNOWBANK OUTFITTERS: Also present were BJ Snooks, Enforcement Chief; Leanne Reincke, Technical Records Specialist; Bruce Smith, Attorney for Yellow Pine Lodge & Outfitters, fka Big Creek Lodge & Outfitters; Carol & Randy Skinner, IDFG Conservation Officer Matthew O'Connell, Dawn Hagen, Larry Taylor, and Ryan Grist. Mr. Tobiason also called Mr. Ronald Drennan, Elvis Davis, and Dane Cheek, by telephonic conference.

The first matter presented to the Board included 3 counts of Unethical/Unprofessional Conduct in the case against Mr. Simi, dba Snowbank Outfitters.

Recessed for lunch @ 1:25 PM and reconvened at 2:22 PM with Chairman Wayne Hunsucker, Vice Chairman Scott Farr, and members Bill Bernt and Ray Lyon present. Also present were Executive Director Jake Howard, Board Council Steve Scanlin, Enforcement Chief BJ Snooks, and Secretary Kim Wallett.

STEVE TOBIASON – SHOW CAUSE HEARING – BRIAN SIMI & BIG CREEK LODGE & OUTFITTERS - CONTINUED: The second matter presented to the Board included 2 counts of Unethical/ Unprofessional Conduct and 1 count of Conviction of Outfitting and Guiding Law while Mr. Simi was acting as Designated Agent for Big Creek Lodge & Outfitters.

Mr. Tobiason called Ryan Grist with regard to this matter involving Mr. Simi as Designated Agent for Big Creek Lodge & Outfitters.

MSC (MOTION BY FARR, SECOND BY BERNT - UNANIMOUS) THAT BRIAN SIMI BE PLACED ON 5-YEARS PROBATION WITH NO AMENDMENTS MADE TO ALL LICENSES WITHOUT APPROVAL OF THE BOARD. COST RECOVERY TO BE ASSESSED IN THE AMOUNT OF \$2,695.92. HE MUST MAKE ARRANGEMENTS TO PAY THE COST RECOVERY ASSESSMENT AND THE DELINQUENT FINE RELATIVE TO THE ILLEGAL SHEEP HUNT (\$200) IMMEDIATELY. PRIOR TO SEPTEMBER 30, 2004 HE MUST SUBMIT TO A DRUG AND ALCOHOL EVALUATION AND THE RESULTS SHALL BE SUBMITTED TO THE BOARD FOR MANDATORY ENROLLMENT IN A DRUG AND ALCOHOL REHABILITATION PROGRAM, SHOULD THE EVALUATION DETERMINE IT TO BE NECESSARY. PRIOR TO RE-LICENSURE IN 2005, HE MUST ENROLL AND SUCCESSFULLY COMPLETE AN ANGER MANAGEMENT PROGRAM. IF ANY FURTHER INCIDENTS OF ACTUAL OR THREATENED VIOLENCE IS SUBSTANTIATED BY THE BOARD AT ANY TIME IN THE FUTURE, HIS LICENSES WILL BE REVOKED. PRIOR TO THE 5-YEAR PROBATION BEING LIFTED, HE MUST APPEAR BEFORE THE BOARD FOR A SATISFACTORY REEVALUATION OF HIS PROGRESS. A LETTER OF CONCERN RELATIVE TO HIS EMPLOYMENT PRACTICES MUST BE ATTACHED TO THE ORDER. THIS WILL INCLUDE DOCUMENTED EMPLOYMENT AGREEMENTS, WORKER'S COMPENSATION AND UNEMPLOYMENT INSURANCE COVERAGE FOR ALL EMPLOYEES.

STEVE TOBIASON – SHOW CAUSE HEARING – JERRY JEPPSON, MONUMENTAL OUTFITTERS: (Board member Farr recused himself from this matter.) Also present were BJ Snooks, Enforcement Chief, and Grant Simonds, IOGA Executive Director. Mr. Jeppson, Monumental Outfitters, appeared before the Board 3 counts of Unethical/ Unprofessional Conduct. 2 counts were for non-payment of vendor accounts and the other was for not correctly filing with the State of Idaho Secretary of State office. Mr. Jeppson indicated that he would be amenable to any decision the Board's might make.

MSC (MOTION BY LYON, SECOND BY BERNT - UNANIMOUS) THAT THE LICENSE OF MONUMENTAL OUTFITTERS INC. AND MR. JEPPSON BE SUSPENDED UNTIL MR. JEPPSON HAS OBTAINED STATEMENTS SHOWING ALL OUTSTANDING ACCOUNTS TO PRIVATE BUSINESSES ARE PAID IN FULL OR PAYMENT ARRANGEMENTS HAVE BEEN MADE, SPECIFICALLY; TO MIDDLEFORK AVIATION THE AMOUNT OF \$5,229.44, AND LAMB FOODTOWN THE AMOUNT OF \$3,694.55. IF ARRANGEMENTS ARE NOT MADE BY THE END OF THE 2004 LICENSE YEAR, THE LICENSES WILL NOT BE RENEWED. ALSO, MR. JEPPSON MUST CORRECT ALL PAPERWORK FILED WITH THE STATE OF IDAHO WITHIN 60 DAYS OF THIS ORDER. COST RECOVERY TO IOGLB WILL BE ASSESSED IN THE AMOUNT OF \$1,503.48. IN THE EVENT OF A SALE OF MONUMENTAL OUTFITTERS INC. OR ANY ENTITY AS FILED WITH THE SECRETARY OF STATE'S, ALL OUTSTANDING DEBTS WITH THE BOARD AND OTHER PRIVATE ENTITIES SHALL BE RESOLVED BY PLACING THE SALE FUNDS IN AN ESCROW ACCOUNT FOR DISTRIBUTION CREDITORS AND THE BOARD, PRIOR TO MR. JEPPSON RECEIVING FUNDS FOR THE SALE.

Executive Session: In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (MOTION BY LYON, SECOND BY BERNT – HUNSUCKER, FARR, LYON, BERNT, - YEA) TO MOVE THE BOARD INTO EXECUTIVE SESSION AT 6:56 PM TO LITIGATION MATTERS. MSC (MOTION BY BERNT, SECOND BY LYON – HUNSUCKER, FARR, LYON, BERNT - YEA) AT 7:28 PM AM TO COME OUT OF EXECUTIVE SESSION WITH NO DECISIONS MADE.

Meeting recessed at 7:30 PM and reconvened at 8:37 AM, Tuesday, August 24, 2004, with Chairman Wayne Hunsucker, Vice Chairman Scott Farr, and members Bill Bernt, and Ray Lyon present. Also present were Executive Director Jake Howard, Board Council Steve Scanlin, Enforcement Chief BJ Snooks, and Secretary Kim Wallett.

STEVE TOBIASON – SHOW CAUSE HEARING – NATHAN LUTHER: Also present was Michael Luther, Outfitter & Nathan's father. Mr. Nathan Luther appeared before the Board on one count of Unethical/Unprofessional Conduct. This was based on a previous stipulation signed by Mr. Luther and the failure to comply with the stipulation. Mr. Luther had been ordered to pay a fine in the amount of \$4,000 and was also placed on probation for a period of three years with the condition that timely payments were made of all fines. Payment arrangements were made with Mr. Luther to pay that amount in full. Mr. Luther failed to make those payments as agreed in the stipulation.

MSC (MOTION BY BERNT, SECOND BY LYON - UNANIMOUS) THAT NATHAN LUTHER BE ASSESSED COST RECOVERY IN THE AMOUNT OF \$530.63, OFFSET BY THE PREVIOUS AMOUNT OVERPAID TO THE BOARD. ALSO, A STRONG LETTER OF INSTRUCTION WILL BE SENT TO MR. NATHAN LUTHER.

WORK SESSION – REVIEW OF RULE 58: Also present were Mark Gamblin, State Fisheries Manager, IDFG, and Grant Simonds IOGA. Director Howard presented a draft classification schedule of land based fishable waters. He indicated that this was prepared as requested by the Board in the April 2004 meeting. He reminded the Board that outfitters are licensed for both power and float boating fishing on rivers and some lakes within the state of Idaho and for incidental fishing in their licensed land based operating areas but that the Board has not maintained a record of where land-based fishing activities are conducted or who is providing them and what the amount of use is. As the result the Board has not been able to properly monitor use so that accurate reports can be provided. This also has been a problem for resource planning as well as for tourism promotion. There are land-based fishing opportunities that have never been categorized and possibly could be licensed. It also difficult for the Board to direct the public to land-based fishing opportunities when there us not a way to monitor the areas included within outfitters licensed areas. Director Howard said concern as been expressed by IDFG with the number of outfitters licensed on certain bodies of water and indicated that Rule 58 should be amended to define what the capacity limits might be on selected waters. Chairman Hunsucker asked if the GIS System would help to provide this information when it is available. Director Howard and Mr. Gamblin indicated that the GIS System would be a great asset to this project. Director Howard responded that the date information system recording use that he was proposing would be linked to the GIS system. It said that it would be linked to the Dept. of Tourism's and IDFG Websites so anglers could find fishing outfitters licensed for specific waters. He said specific outfitter use information is propriety and would not be made available

publicly. Mr. Gamblin stated that he felt that excess of commercial and non-commercial use on certain sections of Idaho waters is a growing problem and that it is important that the Board and IDFG work together so that the Industry is not continually blamed for the problem.

Director Howard stated that the Clearwater River and the Henry's Fork of the Snake are good examples. The first priority for IDFG is the public interests and then to work with what is appropriate for the Outfitters while recognizing that the outfitted public is clearly part of the recreation public as are the outfitters themselves. Board member Farr stated that the Board fully understood the need for capacity studies but wanted to be included in those studies.

The Board asked Director Howard to move forward with developing the classification of the land-based fishable waters list understanding that at some point it will require a change to rule 58 and modification to rule 59. They also ask the Director to work with Mr. Gamblin to address issues on several rivers in the state including the Clearwater and Henrys Fork as discussed during the meeting. They asked to be kept informed as this effort progresses.

Chairman Hunsucker excused himself at 11:50 am for a business matter.

Recessed for lunch @ 12:03 PM and reconvened at 1:25 PM with Chairman Wayne Hunsucker, Vice Chairman Scott Farr, and members Bill Bernt and Ray Lyon present. Also present were Executive Director Jake Howard, Board Council Steve Scanlin, Enforcement Supervisor BJ Snooks, IOGA Executive Director Grant Simonds, and Secretary Kim Wallett.

DENIAL HEARING – BRET DAUGHERTY: Mr. Daugherty appeared before the Board for non-disclosure of fish & game violations. The first violation was a recreational vehicle activities act violation, which included no Idaho registration for Mr. Daugherty's snowmobile. This was not a Fish and Game violation. The second violation was procuring a false state license or tag. This violation occurred in 1990 and Mr. Daugherty stated that he was under the impression that due to the age of the violations, they did not need to be disclosed. Mr. Snooks recommended that Mr. Daugherty pay costs and a non-probationary license be issued.

MSC (MOTION BY LYON, SECOND BY BERNT – UNANIMOUS) TO ISSUE A NON-PROBATIONARY LICENSE FOR MR. DAUGHERTY. COSTS TO BE ASSESSED IN THE AMOUNT OF \$169.33.

DENIAL HEARING – CHAD HOPKINS: Mr. Hopkins appeared before the Board for non-disclosure of fish & game violations. The violations occurred in 1995 and consisted of exceeding the bag/possession limit and use of a license/tag for a different person. Mr. Hopkins pled guilty to the first citation and the second was dismissed. Mr. Hopkins was under the impression that violations were not required to be disclosed after seven years. Mr. Snooks recommended that Mr. Hopkins pay costs and a probationary license be issued for a period of one-year with the standard terms.

MSC (MOTION BY FARR, SECOND BY LYON - UNANIMOUS) TO ISSUE A PROBATIONARY LICENSE FOR ONE-YEAR WITH STANDARD TERMS OF NO

AMENDMENTS MADE WITHOUT BOARD APPROVAL. COSTS TO BE ASSESSED IN THE AMOUNT OF \$160.97.

DENIAL HEARING – JON METZ: Mr. Metz appeared before the Board with regard to the denial of a guide license in 2003. Mr. Metz did not appear before the Board at that time, as the employing outfitter did not feel that he would be working that year. Mr. Metz felt that he made a stupid mistake and misunderstood what had been expressed to him previously.

MSC (MOTION BY BERNT, SECOND BY FARR - UNANIMOUS) TO ISSUE A NON-PROBATIONARY LICENSE FOR MR. METZ. COST RECOVERY TO BE ASSESSED IN THE AMOUNT OF \$210.41.

DENIAL HEARING – JEFFERY SMITH: Mr. Smith appeared before the Board for non-disclosure of fish & game violations. The citation was issued in 1978 and was for possession of unlawfully taken wildlife. Mr. Smith pled guilty to this citation and paid a minimal fine at that time. Mr. Smith was 15 years old at the time of the incident and admitted that he had not thought of the matter in many years. He indicated that he did not intend to submit false information and simply had forgotten the matter. Mr. Snooks recommended the license be issued and no costs be assessed.

MSC (MOTION BY FARR, SECOND BY BERNT – UNANIMOUS) TO ISSUE A LICENSE TO MR. SMITH WITH NO PROBATION AND NO COSTS ASSESSED.

2006 BUDGET REVIEW – DIRECTOR HOWARD: Director Howard presented the FY 2006 Agency Budget Request which he stated was actually a spending authority requested by IOGLB. Director Howard expressed that this information would be submitted to DFM by September 1, 2004. He also stated that to prepare each year's budget there are approximately 12 forms to be completed. He indicated that there would be a supplemental appropriation to accommodate the one-time salary bonus and new LAN connections needed in the IOGLB office.

MSC (MOTION BY BERNT, SECOND BY LYON - UNANIMOUS) TO APPROVE PROPOSED FY 2006 BUDGET AS PRESENTED BY DIRECTOR HOWARD.

DIRECTOR'S REPORT – Executive Director, Jake Howard: Director Howard reviewed the financial report, the licensing report and the probationary licenses report with the Board. He indicated that the fiscal year had just begun and therefore the fiscal report did not show a great detail of information. He said the agency was on track financially. Director Howard also noted that there would be a sizable increase in office expenditures next month due to administrative billing and one time billing from other State Agencies (Controller's Office, Administration, Rules, etc.) such as rent will be paid. He said that this occurred once at the beginning of each fiscal year.

Director Howard explained that licensing was on track with previous years. The guides are slightly ahead of where they have been in the past. He also stated that the outfitters have shown a steady decrease in the percentage of Sole Proprietors and an increase in Corporations. Director Howard told the Board that he will be contacting the outfitters with multiple licenses after this meeting and will inform them that they will be required to pay for both licenses beginning with the 2005 license cycle as directed in an earlier Board meeting. Director Howard presented the

Board with the current list of probationary licenses. He gave some detail on a couple of the probationary matters and indicated that some may be called before the Board at a later date. Board member Farr asked if a column could be added to indicate when the probation status expired. Director Howard expressed that he felt that staff morale was up and IOGLB personnel were doing a good job as usual.

Meeting recessed at 5:00 PM and reconvened at 8:30 AM, Wednesday, August 25, 2004, with Chairman Wayne Hunsucker, Vice Chairman Scott Farr, and members Bill Bernt, and Ray Lyon present. Also present were Executive Director Jake Howard, and Secretary Kim Wallett.

Executive Session: In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (MOTION BY FARR, SECOND BY LYON – HUNSUCKER, FARR, JUDGE, BERNT, - YEA) TO MOVE THE BOARD INTO EXECUTIVE SESSION AT 830 AM TO DISCUSS MATTERS THAT MAY INVOLVE LITIGATION AND OTHER LEGAL MATTERS. MSC (MOTION BY LYON, SECOND BY FARR – HUNSUCKER, FARR, JUDGE, BERNT - YEA) AT 9:09 AM TO COME OUT OF EXECUTIVE SESSION WITH NO DECISIONS MADE.

REVIEW OF OUTFITTER CONTROLLED HUNT ISSUE IN DEER HUNT #1092 AND 1093: Also present for this discussion were BJ Snooks, Enforcement Chief; Leanne Reincke, Technical Records Specialist; Joe Burch, Outfitter; Bruce Connolly, Whiskey Mountain Outfitters; Paul & Stan Meholchick, Juniper Mountain Outfitters.

Director Howard briefed that Board on a letter that was sent to him by IDFG Director Huffacker. Director Huffacker stated that the Department is concerned with outfitter allocation and the complaints they have received. The complaints are primarily related to Outfitter controlled hunts and the outfitters allegedly informing successful draw hunters that the tag was “pre-sold” and they were unable to take the hunter that drew the tag. Director Huffacker expressed that this is a serious problem and a solution needs to be found that will not further complicate the allocation process. He also indicated that if a solution cannot be found, the department has the option of not allocating tags in controlled hunts showing this problem.

Director Howard said that it appeared that the issue this year largely surrounded outfitters involved in outfitter controlled hunts # 1092 and # 1093. He said after discussing this matter with several Board members, he asked Enforcement Chief Snooks to investigate the matter and as the result he invited Joe Burch, J R Burch Outfitters; Bruce Connolly, Whiskey Mountain Outfitters; and Paul Meholchick, Juniper Mountain Outfitters to appear before the Board. He said has there been an issue every year since he had been the Director with outfitter controlled tags but this seemed to be a matter where there clearly seemed to be a gross misunderstanding by these outfitters on who this process works or some inappropriate conduct. He felt that due to the nature of this problem and due to the need for an immediate solution to the immediate problem, the Board needed to interview the outfitters directly.

The Board interviewed each outfitter separately and at the conclusion of the last interview the Board expressed concern with the following issues:

1. There appeared to have been some misunderstandings and or miscalculation in the past concerning the allocation process in unit #40 and #42.

2. JR Burch Outfitters is receiving an allocated tag for a unit they are not licensed to outfit.
3. Outfitters accepting deposits for “leftover” tags before the tags have been ruled as “leftover”.
4. Outfitters advising current draw applicants that the tag has been “pre-sold”; to hold tag until deemed in leftover status in order to issue the tag to client of choice.
5. Applicants putting into the draw without first making arrangements with an outfitter.
6. Outfitters not working with each other to get a successful applicant on an outfitted hunt.

Resolution for 2004 hunts #1092 and #1093

The Board will forward the following resolution to the Idaho Department of Fish and Game for their approval and input. They will attempt to obtain this approval by Wednesday, September 01, 2004. All allocated tags were held and were not available until the approval was obtained.

The Board feels that several problems exist in the allocation program. The guideline that an outfitter submits more applicants than he has tags available has caused disgruntled applicants and problems for outfitters; due to the fact that the client must then book with an unknown outfitter. In this instance, one outfitter had three successful applicants but had only one allocated tag. The Board has decided that it will re-calculate the historical use prior to the 2005 year allocation in Outfitter Controlled hunts in Units 40 & 42; however for this year, the Board will like to resolve this issue so that all successful outfitter controlled tag applicants are satisfied. The Board has ordered the following actions subject to IDFG approval for maintaining the allocated tags for this year:

1. Juniper Mountain Outfitters maintains his #40 allocated tag for his first successful 2004 applicant.
2. Transfer one of Whiskey Mountain Outfitters’ #40 allocated tags to Juniper Mountain Outfitters allowing JMO to take the second successful 2004 applicant.
3. Transfer the allocated tag in unit #42 from Joseph Burch to Juniper Mountain Outfitters to allow JMO to take the third successful 2004 applicant in #42 as a leftover (unused) allocated tag.
4. Allow Whiskey Mountain Outfitters to maintain two of his #40 allocated tags for the 2003 hunters as leftover (unused) allocated tags.
5. Allow Joseph Burch to maintain his #40 allocated tag to take his successful 2004 applicant.
6. Allow Greg Bullock to maintain his “leftover” controlled tag issued by IDFG. Bullock can then go by himself or contract with an outfitter of his choosing.
7. Allow Jeff Rogers to maintain his “leftover” controlled tag issued by IDFG. The Board would give Joseph Burch permission to guide Rogers in unit #42 under the one time controlled hunt exception as outlined by rule.
8. The Board will re-evaluate the allocation distribution in units #40 and #42 for 2005.

9. The Board will evaluate the allocation system with IDFG and make necessary changes to instructions and publications.

The Board believes that these actions will best serve the successful 2004 applicants. The Board would ask since Mr. Rogers and Mr. Bullock have already been given tags that they can use, with or without an outfitter, that they be allowed to maintain those tags; and since all three applicants (Lewis, Sullivan and Panches) want to be outfitted by Juniper Mountain Outfitters rather than Whiskey Mountain Outfitters (who actually has the tags allocated to them), IDFG allow the two unused allocated tags (Rogers and Bullock) to remain and be given to Juniper Mountain Outfitters as leftover tags.

MSC (MOTION BY LYON, SECOND BY FARR – UNANIMOUS) TO DISTRIBUTE THE CONTROLLED HUNT TAGS FOR HUNT #S 1092 AND 1093 FOR THE 2004 SEASON ONLY AS FOLLOWS:

SUCCESSFUL 2004 APPLICANTS WITH THEIR OUTFITTER:

HUNT # 1092	-	LEWIS, JOHN	-	JUNIPER MOUNTAIN OUTFITTERS
HUNT # 1092	-	SULLIVAN, KEVIN	-	JUNIPER MOUNTAIN OUTFITTERS
HUNT # 1092	-	PENNUCCI, ANDREW	-	JOSEPH BURCH
HUNT # 1092	-	LEFTOVER (2003 APPLICANT)	-	WHISKEY MOUNTAIN OUTFITTERS
HUNT # 1092	-	LEFTOVER	-	WHISKEY MOUNTAIN OUTFITTERS
HUNT # 1093	-	PUNCHES, BRIAN	-	JUNIPER MOUNTAIN OUTFITTERS
	-	ROGERS, JEFF	-	F&G LEFTOVER TAG
	-	BULLOCK, GREGORY	-	F&G LEFTOVER TAG

THE CONTROLLED HUNT IN UNIT 40 WILL BE RECALCULATED PRIOR TO THE 2005 SEASON.

Executive Session: In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (MOTION BY FARR, SECOND BY LYON – HUNSUCKER, FARR, LYON, BERNT, - YEA) TO MOVE THE BOARD INTO EXECUTIVE SESSION AT 9:14 AM TO DISCUSS MATTERS THAT MAY INVOLVE LITIGATION AND OTHER LEGAL MATTERS. MSC (MOTION BY FARR, SECOND BY LYON – HUNSUCKER, FARR, LYON, BERNT - YEA) AT 10:52 AM TO COME OUT OF EXECUTIVE SESSION WITH NO DECISIONS MADE.

WORK SESSION – UNIT 45 PROSPECTUS: Also present were Jon Kurtz, BLM; Randy Smith, IDFG (telephonic); and Dave Parrish, IDFG (telephonic). The general concept of this prospectus is to attract and license two (2) outfitters in Unit 45 on a three-year trial basis. The intent is to have the outfitters help facilitate better public opportunities in unit 45 and to help IDFG and BLM address resource issues inhibited due to access restrictions. At the end of this three-year period, the Board will reevaluate and determine if the area should remain outfitted. The Board agreed to have the working group continue to monitor and evaluate use and other overall success for this new opportunity through the three-year trial period and asked that annual reports be made to them. They suggested the applicant(s), if not the private landowner

themselves, must have a copy of a lease letter of intent from the landowner to lease the property in the event of licensure to accompany the application and asked that this be changed in the prospectus document. The Board said they may discuss the possibility of licensing additional outfitter(s) providing that the applicant(s) plans to operate on their privately owned land only. One condition to this is that public access would be necessary if additional license(s) are issued. Director Howard said that the Board needed to be careful not to jeopardize the intent of the prospectus or inhibit the ability of the outfitter selected through it to facilitate public access with the landowners. He said too many outfitters in the area on private lands may result in continued restricted access available to only the certain individuals. The Environmental Assessment is currently being finalized and will be sent out for a 30-day review and comment period. Once that period is complete, and providing there are no further pending issues, the prospectus will be sent to private landowners in the area and currently licensed outfitters in the State initiating their applications.

MSC (MOTION BY LYON, SECOND BY FARR – UNANIMOUS) TO APPROVE THE PROSPECTUS FOR UNIT 45 AS PRESENTED BY DIRECTOR HOWARD, ASSUMING THAT THE ENVIRONMENTAL ASSESSMENT BY THE BLM IS ACCEPTED.

Recessed for lunch @ 12:00 PM and reconvened at 1:35 PM with Chairman Wayne Hunsucker, Vice Chairman Scott Farr, and members Bill Bernt and Ray Lyon present. Also present were Executive Director Jake Howard, Board Council Steve Scanlin, and Secretary Kim Wallett.

Executive Session: In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (MOTION BY FARR, SECOND BY LYON – HUNSUCKER, FARR, LYON, BERNT - YEA) TO MOVE THE BOARD INTO EXECUTIVE SESSION AT 1:35 PM TO DISCUSS LITIGATION, NON-DISCLOSABLE RECORDS AND INFORMATION AND CONTRACTUAL MATTERS. MSC (MOTION BY FARR, SECOND BY BERNT – HUNSUCKER, FARR, LYON, BERNT - YEA) AT 3:28 PM TO COME OUT OF EXECUTIVE SESSION WITH NO DECISIONS MADE.

The Board directed that a letter be provided to the previous owner of Buffalo Ridge Outfitters, Doug and Beverly Hess (Sleeping Deer Outfitters) and inform them of the Board's and Yankee Fork Ranger District's intent to move forward with a public prospectus taking applications for an outfitter for the Buffalo Ridge area that has been vacated. It was determined that the previous owner of this business did not appear to hold any default rights due to the length of time that had passed since the initial sale and the fact that the current license has been relinquished. There was concern because no legal action had been taken regarding foreclosure and the matter appeared to be a civil matter. It was also a concern that Mr. Hess did not appear to be party to the original sales contract and that the principle party appears to be his wife. It was noted that the license has shown non-use for the last three years.

REVIEW OF RULES – DIRECTOR HOWARD: Director Howard presented the rules with the minor changes that had been suggested by IOGA. He stated that the Board directed to Director Howard to submit the Rules for promulgation with the changes made.

STEVE TOBIASON – SHOW CAUSE HEARING – RON GILLETT, JIM SLAUGH, AND JEREMY BOSWELL: Mr. Gillett paid all the fines related to this matter and all parties

were excused from appearing. The matter of Mr. Gillett's remaining permits was discussed. Director Howard was asked to explain to Mr. Gillett that if he did not have a current permit on the federal lands on which he was licensed for, his license was invalid.

STAFF REPORTS – Enforcement Report – BJ Snooks – Enforcement Supervisor: Mr. Snooks presented information with regard to the status of current and closed cases. He stated that he opened 56 new cases in June 2004 and 11 in July. He also informed the Board that as of the date of this report, he had opened approximately 26 new cases in August. He also briefed the Board on a couple of matters that will be presented in December. Mr. Snooks asked the Board to allow a little more discretion in processing possible license denials. He asked that they be reviewed in some manner, once a month, rather than postponing to the next Board meeting. Mr. Lyon stated that he would be willing to perform in that capacity for the Board by coming in to the office when needed. If this is required prior to issuing a license, then a Special Handling Fee may be assessed. The Board directed Mr. Howard to issue a "Temporary License pending Board Approval" for guides who have questionable matters with their application that would not affect their ability to or the activity in which they will be guiding.

Mr. Snooks also presented a report on the status of the MOU with the Coast Guard. He indicated that since the "9/11" incident, Homeland Security has developed and instituted new directives and standard operating procedures. These included new fingerprinting procedures, testing procedures and locations. These directives presented a problem for Idaho Outfitters, as they would have to travel for these purposes. Lt. Gilmore has suggested to Mr. Snooks that the Board prepare a definition of float boat, as it would apply to Idaho Outfitters. Lt. Gilmore also indicated to Mr. Snooks that he could reduce the training requirements although the license issued would only apply to Idaho Rivers.

Meeting recessed at 6:00 PM and reconvened at 8:35 AM, Thursday, August 26, 2004, with Chairman Wayne Hunsucker, Vice Chairman Scott Farr, and members Bill Bernt and Ray Lyon present. Also present were Executive Director Jake Howard, Enforcement Chief BJ Snooks, Technical Records Specialist Leanne Reincke, and Secretary Kim Wallett.

McCall Territorial Conflict Hearing – Preliminary Matters: Also present for these matters were: Ron Williams, Rick Williams, Ron Howell, & Dennis Spaulding – Idaho Angler; Tuck Miller – T Avery Flyfishing; Cutler Umbach – High Llama Wilderness Tours; Dale Allen – IDFG; Colter Pence & Gary Elliot – USFS, Payette NF; and Bert Stevenson – Idaho House Representative. Director Howard presented a brief history to the Board and those parties present on matters coming before them. He indicated that he had presented the Board with information previously on fishing as a "major" activity statewide and specifically regarding this issue in the McCall area. He expressed that the Board has not authorized use for many streams for walk and wade activities but that over time there have been licenses issued. Director Howard also explained that there are situations where the licenses on certain lake's resources exceed the 2-outfitter limit expressed in Board rule 59. He stated that the Board does not currently have an adequate system in place to categorize land based fishing activities or to monitor use and that based on earlier Board action this system is being developed. He mentioned the Board is also aware of concerns from both the IDFG and USFS in the allocation of major outfitted fishing activities statewide. The Board had directed Mr. Howard to complete an analysis to determine an area's capacity and existing outfitter use before they would consider additional fishing only

outfitters who would overlap existing outfitters. In preparing this analysis, Director Howard became aware of conflicts in the McCall area with regard to the existing outfitters and the pending outfitter application on file with the Board. This hearing was held in order to provide the Board with the capacity analysis information and give them an opportunity to evaluate what might need to happen to properly provide outfitter opportunities to the public in this area and to address existing outfitter overlaps in the McCall area.

Executive Session: In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (MOTION BY LYON, SECOND BY FARR – HUNSUCKER, FARR, BERNT, LYON - YEA) TO MOVE THE BOARD INTO EXECUTIVE SESSION AT 8:50 AM TO DISCUSS NON-DISCLOSABLE RECORDS AND INFORMATION. REMAINING FOR DISCUSSION, BY BOARD DIRECTION, WERE GARY ELLIOT & COLTER PENCE, USFS; DALE ALLEN, IDFG; BERT STEVENSON, IDAHO HOUSE OF REPRESENTATIVES.

McCall Territorial Conflict Hearing – Idaho Angler: Also present were Ron Williams, Attorney, Richard Williams, Dennis Spaulding, Ron Howell – Idaho Angler.

McCall Territorial Conflict Hearing – High Llama Wilderness Tours: Also present was Cutler Umbach, High Llama Wilderness Tours.

McCall Territorial Conflict Hearing – Bloxham & Bloxham dba: Warren Outfitters: Mr. Bloxham did not appear for this matter.

McCall Territorial Conflict Hearing – T. Avery Outfitters: Also present was Tuck Miller.

Recessed for lunch @ 12:00 PM and reconvened at 1:30 PM with Chairman Wayne Hunsucker, Vice Chairman Scott Farr, and members Bill Bernt and Ray Lyon present. Also present were Executive Director Jake Howard, Board Council Steve Scanlin, Enforcement Supervisor BJ Snooks, Technical Records Specialist Leanne Reincke, and Secretary Kim Wallett.

MSC (MOTION BY LYON, SECOND BY BERNT – HUNSUCKER, FARR, BERNT, LYON - YEA) AT 2:38 PM TO COME OUT OF EXECUTIVE SESSION WITH NO DECISIONS MADE.

McCall Territorial Conflict Hearing – USFS & IDFG: Present were Gary Elliot & Colter Pence, USFS and Dale Allen, IDFG. Mr. Elliot and Mr. Allen presented a proposal that would relocate the three outfitters in the area in such a way as to resolve existing overlaps.

Executive Session: In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (MOTION BY FARR, SECOND BY BERNT – HUNSUCKER, FARR, BERNT, LYON - YEA) TO MOVE THE BOARD INTO EXECUTIVE SESSION AT 2:54 PM TO DISCUSS NON-DISCLOSABLE RECORDS AND INFORMATION. MSC (MOTION BY BERNT, SECOND BY FARR – HUNSUCKER, FARR, BERNT, LYON - YEA) AT 3:16 PM TO COME OUT OF EXECUTIVE SESSION WITH NO DECISIONS MADE.

The Board stated that they would take this matter under advisement and tentatively scheduled a special meeting on Oct 6, 2004 during which they will further consider this matter and will

hopefully determine a final resolution. They indicated that it is the intent of the Board to resolve this matter as quickly as possible.

At the conclusion of the hearing, Chairman Hunsucker expressed that there are several matters that will need to be reviewed by the Board during the Oct. meeting. Those matters are:

1. How are clients being booked with certain parties? Are they true bookings or are they third party agreements?
2. How are the monetary transactions being handled between several outfitters?
3. How is the employment of guides being handled? Worker's Comp Ins., salaries, etc.
4. A report on areas in non-use and areas in non-use without a waiver.
5. The overall concept of how an area with numerous overlaps is approached including how the Board should handle an application that would add an additional outfitter to an area already having overlaps.

The Board reinforced its policy that a new outfitter can only be licensed as the result of a sale of business, the result of a new opportunity stemming from a vacated, relinquished or revoked license, as the result of the Board realigning operating areas or the Board initiating a prospectus in a currently unlicensed area. The Board determined that although there is concern with the existing licensees, at this point, it did not appear there was justification to realign the existing licenses in such a way to create a new opportunity but that a realignment of operating area may be needed to better service the public. The Board also indicated that the realignment may be needed to avoid conflict between individual outfitters, as well as to avoid conflict between outfitters and the public that may come from increased use of certain lakes that may be already experiencing heavy use. This matter will be further discussed and hopefully finalized during the October meeting. The Board indicated that they felt that three (3) outfitters with properly assigned operating areas including specific lakes grouped together in this area should provide a substantial public opportunity and that based on the existing USFS use day allocation there are enough assigned use days to sustain three businesses without conflict. The Board believes that the existing outfitters should take greater initiative to better service the public in this area. Matters related to apparent illegal or inappropriate client bookings or outfitter agreements may be addressed in a show cause hearing at a later date. Director Howard was directed to further investigate these matters and to take appropriate action. The Board asked Mr. Howard to contact several outfitters concerning proprietary matters and Board concerns and potential actions with their licenses that the Board identified during the hearing and that must be address well prior to the Oct. 6 Board meeting.

Work Session – One-Time Special Big Game Hunts: The Board directed IOGLB staff to process one-time special big game hunts in the following manner: An Outfitter seeking to do a special one-time hunt in another outfitter's area must attempt to contact the existing outfitter and obtain a signed approval for trespass. If a signed approval is not obtainable, the Board may overrule the decision of the existing outfitter and allow the one-time amendment to occur. Further definition of this concept will be completed at the next meeting.

Board Member Farr added the following for the Board to consideration: Basically the Board does not want to unduly burden an amending outfitter, but must protect an active existing outfitter and the exclusive outfitter operating area system. What makes sense is if a one time hunt is requested that overlaps with an existing outfitter (regardless of species), then a sign-off is

absolutely necessary. If the existing outfitter is not licensed for the requested big game species involved and he cannot clearly show sufficient cause for denial or a strong possibility of conflict, then the Board may consider overriding the denial for the benefit of the client. In no case would the Board override a denial from an existing outfitter that is licensed for the same species as long as he has shown proper use relative to that species. If an outfitter is licensed for the same species that the amending outfitter is requesting the only reason the Board would override the denial is if the client involved can show unethical behavior on part of the existing outfitter that involves that specific client. The rationale as to why the Board would in some cases override an existing outfitter on trophy species and not on other big game (elk and deer) is that all trophy species are a once in a life time harvest and the Board does not feel a client a tag holder should be denied this once in a lifetime opportunity. These opportunities are narrowed to very specific areas and are not available in the majority of the state or available in multiple opportunities as other big game. In all cases, if there is not clear justification to overrule an existing outfitter; the Board should error on the side of the existing outfitter. He said that this issue needs further defining and discussion. He said that he firmly believes that clear exceptions need to be identified, although he doubted that the Board can identify all possible mitigating situations.

Work Session – Outfitter Tag Allocation

MSC (FARR, LYON - UNANIMOUS) TO APPROVE THE ALLOCATION MANUAL AS PRESENTED WITH AMENDMENTS TO FOLLOW AS NEEDED.

With no further business to come before the Board, the meeting was adjourned at 5:33 PM, August 26, 2004.

WAYNE HUNSUCKER, CHAIRMAN

ATTEST:

JAKE HOWARD, EXECUTIVE DIRECTOR